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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,473	12/12/2003	Munechika Okita	117489	8817

25944 7590 08/25/2006

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EXAMINER

LABBEES, EDNY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,473

Applicant(s)

OKITA ET AL.

Examiner

Edny Labbees

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuade et al. (US 6,362,734) in view of Spoto et al. (US 6,28,358).

Regarding Claim 1, McQuade disclose *Method And Apparatus For Monitoring Seat Belt Use Of Rear Seat Passengers* that has the following claimed limitations:
Claimed detector is met by seat belt sensors (12 & 40); claimed use indicator is met by the seat belt status sensors (12) that may be buckle sensors that generate signals indicating when the seat belt is buckled (see Col. 2 Ins 54-67 and Col. 3 Ins 1-4).
Applicant discloses the system indicates by displaying a glow. However, glow is another form of illumination. McQuade suggests the symbol (52) to be illuminating when the seatbelt is either fastened or unfastened, thus meeting on the claim of continuous glow (See Col. 6 Ins 33-44). What McQuade does not teach is a non-use indicator that indicates by displaying a glow that turns off after an amount of time.
However Spoto *Secondary Seat Belt Warning System* teaches a secondary seat belt warning system (10) where the seat belt sensor (16) senses whether the seatbelt is

Art Unit: 2612

unbuckled and transmits a signal indicative of the unbuckled seat activates a visible indicator (26) of the seat belt indicator (22) for approximately sixty seconds. Therefore, it would have been obvious to incorporate the teachings of Spoto into the system of McQuade to have the non-use indicator diffused after an amount of time to prevent the indicator from burning out. Furthermore, Spoto discloses a system that teaches a seat belt sensor (16) that detects whether the seat belt is in a buckled or unbuckled state. If the seat belt sensor (16) indicates a signal indicative of a buckled seat belt, the seat belt indicator (22) remains inactive. However, if the seat belt sensor (16) determines that seat belt is unbuckled; the seat belt indicator (22) is activated via visual indicator (26) (see Col. 3 Ins 52-67 and Col. 4 Ins 1-8). One of ordinary skill in the art would readily recognize that non-use indicator is relatively brighter than the use indicator and therefore be applicable to the combination of McQuade and Spoto by making the visual indicator (26) for a unbuckled state (as taught by Spoto), relatively brighter than signals indicating that seat belt is buckled (as taught by McQuade).

Regarding Claim 2, the combination of McQuade and Spoto discloses all of the claimed limitations. Claimed use indicator and non-use indicator formed by a single indicator device is met by the visual display (50) comprising of separate symbols (52) to indicate whether the seatbelts are fastened or unfastened (see McQuade: Col. 6 Ins 33-40).

Regarding Claim 3, the combination of McQuade and Spoto discloses all of the claimed limitations. Claimed indication fashions further relate to a display color is met

Art Unit: 2612

by visual display (50) having separate symbols (52) to be illuminated in separate colors indicating the state of the seat belts (see McQuade: Col. 6 Ins 33-40).

Regarding Claim 4, the combination of McQuade and Spoto discloses all of the claimed limitations. Claimed plurality of detectors, use indicators and non-use indicators provided for each plurality of seats is met by plurality of seats belt status sensors (12), plurality of symbols (52) on display (50) that indicates which seatbelt is fastened or unfastened (see McQuade: Col. 6 Ins 33-44).

Regarding Claim 5, claimed detector dependent on whether the tongue plate is engaged with a buckle position is met by the buckle sensors (12) detecting whether the seat belt latch plate (unlabeled) is fully inserted into the buckle (unlabeled) (see Col. 3 Ins 1-5).

Regarding Claim 7, the claim is interpreted and rejected as claim 1 stated above.

Regarding Claim 8, the claim is interpreted and rejected as claim 2 stated above.

Regarding Claim 9, the claim is interpreted and rejected as claim 3 stated above.

Regarding Claim 10, the claim is interpreted and rejected as claim 4 stated above.

Regarding Claim 11, the claim is interpreted and rejected as claim 5 stated above.

3. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuade and Spoto further in view of Slaughter (US 6,215,395).

Regarding Claim 6, McQuade and Spoto do not disclose the use of an LED to indicate whether the seatbelt is in use or not. However, it is well known in the art that LED technology provides low power consumption, long life and low heat production. Slaughter discloses *Apparatus And Method For Verifying Seatbelt Use In A Motor Vehicle* that teaches a system where the indicators (106x) that indicate the latch status of the seatbelt buckle (102x) use LED technology. Therefore, it would have been obvious to one of ordinary skill in the art to modify the systems of McQuade and Spoto to include the teachings of Slaughter because LED provides low power consumption and low heat production.

Regarding Claim 12, the claim is interpreted and rejected as claim 6 stated above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lary, *Seatbelt Usage Indicator*, (US 6,215,395)

Mutter et al. *Seat Belt Usage Indicating System*, (US 5,483,221)

Quantz, *Method And Apparatus For Detecting The Utilization...*(US 3,874,474)

Conigliaro et al. *Seat Belt Indicator System*, (US 4,849,733)

Lee, *SeatBelt Signal Light*, (US 6,774,781)

Conway, *SeatBelt Status Alerting Unit* (US 6,002,325)

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection. See the interpretation and rejection to claims 1 and 6 stated above. Furthermore, the office action is a non-final rejection after an RCE.

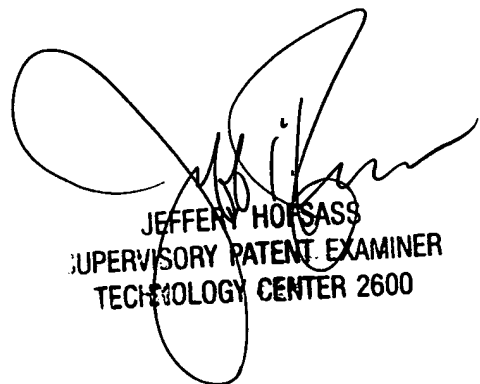
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edny Labbees whose telephone number is (571) 272-2793. The examiner can normally be reached on M-F: 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edny Labbees
8/16/2006



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